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United States District Court  
STATE AND DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA

V.

JOSEPH WILLIAM HOWARD, JR.

CRIMINAL COMPLAINT

Case Number:

CR-12-MJ-20Cmk

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about January 13, 2012, in the State and District of Minnesota, and within the exterior boundaries of the Red Lake Indian Reservation, the defendant, an Indian, did intentionally assault L.E.B. resulting in serious bodily injury,

in violation of Title 18, United States Code, Section(s) 1151, 1153, 113(6).

I further state that I am a(n) Special Agent and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Sworn to before me, and subscribed in my presence,

January 24, 2012  
Date  
The Honorable Mary Kay Klein  
UNITED STATES MAGISTRATE JUDGE  
Name & Title of Judicial Officer

at

Bemidji, MN  
City and State

Joe A. Ogden  
Signature of Complainant  
Joe A. Ogden  
FBI

Mary Kay Klein  
Signature of Judicial Officer

SCANNED

JAN 26 2012

U.S. DISTRICT COURT ST. PAUL

1 STATE OF MINNESOTA )  
 2 )

3 COUNTY OF BELTRAMI )  
 4 )

ss. AFFIDAVIT OF JOE A. OGDEN

CR-12-mj-20(MKK)

6 1. Your affiant, Joe A. Ogden, being duly sworn, does  
 7 depose and state as follows:

8 2. I am a Special Agent (SA) with the Federal Bureau of  
 9 Investigation (FBI). I have been a Special Agent of  
 10 the FBI since August 2010. I am currently assigned to  
 11 the Bemidji, Minnesota Resident Agency of the FBI with  
 12 the primary responsibility of investigating violent  
 13 crimes that occur on the Red Lake Indian Reservation.

14 3. This Affidavit is made in support of Complaint and  
 15 Warrant for the arrest of JOSEPH WILLIAM HOWARD JR,  
 16 for violation of Title 18, United States Code,  
 17 Sections 1151, 1153, and 113(a)(6). The facts set  
 18 forth in this affidavit are based on my personal  
 19 knowledge and observations in this investigation, upon  
 20 my discussions with other law enforcement officers and  
 21 agents directly involved in this investigation, and  
 22 upon my review of official reports submitted in  
 23 relation to this investigation. This affidavit does  
 24 not contain all facts known to me regarding these  
 25 matters, but only those sufficient to support a  
 26 finding of probable cause for the requested warrant.

27 4. On January 13, 2012, at approximately 7:25 a.m., the  
 28 Red Lake Police Department (RLPD) dispatch officer  
 29 advised patrol officers that Red Lake Ambulance was  
 30 responding to a Redby, Minnesota residence located  
 31 within the exterior boundaries of the Red Lake Indian  
 32 Reservation on the report of an injured male. Red Lake  
 33 dispatchers advised that a male at the residence

1 identified as L.E.B. needed medical assistance after  
2 an assault.

3 5. Law enforcement officers arrived on scene and observed  
4 Red Lake Emergency Medical Technician (EMT) walking a  
5 male, verbally identified as L.E.B., to the ambulance.  
6 Officers observed dried blood and several lacerations  
7 on L.E.B.'s face.

8 6. After L.E.B. was transported to Indian Health Services  
9 (I.H.S.), law enforcement made contact with JOSEPH  
10 WILLIAM HOWARD, Jr. and N.J.H. inside the residence.  
11 Howard stated that he did not know what happened to  
12 L.E.B., but led officers to the bedroom where L.E.B.  
13 had been sleeping. In the bedroom, officers observed  
14 a blood-like substance on the bed and spatters of a  
15 blood-like substance on the wall around the bed.

16 7. Officers spoke separately with N.J.H., who reported  
17 that he observed Howard assault L.E.B. with an axe  
18 handle as L.E.B. slept in the bedroom. N.J.H. heard  
19 L.E.B. yelling at Howard to stop. N.J.H. indicated  
20 that he hid in the bathroom during and after the  
21 assault because he was afraid of Howard.

22 8. While at the residence, law enforcement located a  
23 wooden axe handle, with possible blood on the end of  
24 the handle where the axe head would normally be  
25 located, behind the dryer in the laundry room.

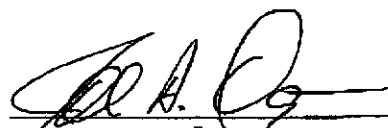
26 9. During the course of investigation, law enforcement  
27 spoke with D.M.S., who reported that Howard admitted  
28 assaulting L.E.B. because Howard thought that L.E.B.  
29 was messing with him. D.M.S. reported that Howard  
30 made the statements prior to law enforcement arrival  
31 at the residence.

10. As a result of his injuries, L.E.B. was airlifted to Sanford Hospital in Fargo, North Dakota, from I.H.S. Law enforcement learned from Sanford Health that L.E.B. had suffered extensive facial bone fractures, which included a fractured left orbit, and a left globe rupture. As a result of his injuries, L.E.B. was airlifted to Sanford Hospital in Fargo, North Dakota.

11. According to tribal enrollment records, Howard is an enrolled member of the Red Lake Band of Chippewa Indians.

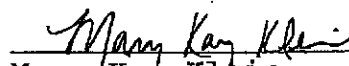
12. Based upon the above information, I believe that there is probable cause to conclude that on January 13, 2012, within the exterior boundaries of the Red Lake Indian Reservation, Minnesota, a location within the special territorial jurisdiction of the United States, JOSEPH WILLIAM HOWARD Jr., did intentionally assault L.E.B., resulting in serious bodily injury, in violation of Title 18, United States Code, Sections 1151, 1153, and 113(a)(6).

13. Further your affiant sayeth not.



Joe A. Ogden  
Special Agent  
Federal Bureau of Investigation  
Bemidji, Minnesota

Subscribed and sworn to before me this 24<sup>th</sup> day of January 2012.



Mary Kay Klein  
U.S. Magistrate Judge